IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 44186-M of 2006

DATE OF DECISION : 31.08.2006

Harpal Singh alias Goldy

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Harpal Singh alias Goldy has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR no. 79 dated 26.6.2005 registered at Police Station Julkan, District Patiala, under Sections 302/341/147/148/149 IPC and 25/27/54/59 of the Arms Act.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 9.2.2006, passed by Additional Sessions Judge, Patiala, whereby bail application of the petitioner has been dismissed.

In this case, it has been alleged that accused Jagwinderpal Singh alias Rana and Chain Singh caught hold the deceased Kirpal Singh from arms whereas accused Harpreet Singh and Harpal Singh alias Goldy (petitioner) caught hold him from legs and threw the deceased on ground. Thereafter, accused Pritpal Singh exhorted accused Gurmeet Singh to fire a shot. Consequently, he fired a shot from his 12 bore double barrel gun, which hit the deceased on his left chest.

Counsel for the petitioner contends that during the investigation, Chain Singh has been found innocent. Accused Pritpal Singh and Harpreet Singh have been granted regular bail by this Court in Crl. Misc. No. 68489-M of 2005. He contends that undisputedly, the petitioner

did not cause any injury to the deceased. The only allegation against him is that he caught hold the deceased by his legs and threw him on the ground. Thereafter, on the exhortation of Pritpal Singh, accused Gurmeet Singh fired a shot with his 12 bore double barrel gun, which hit the deceased on his chest and he died. Counsel for the petitioner submits that the petitioner is in custody since 4.7.2005 and the role attributed to accused Harpreet Singh and the petitioner is exactly similar and on the principle of parity, the petitioner should also be granted bail.

The aforesaid factual position has not been disputed by the State Counsel. In view of the aforesaid facts and keeping in view the custody period of the petitioner, without expressing any opinion on the merits of the case, I deem it appropriate to grant him bail. Accordingly, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

Disposed of accordingly.

August 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**